

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LAIDLAW ENERGY AND
ENVIRONMENTAL, INC.,

Plaintiff

v.

DECISION AND ORDER
08-CV-32S

TOWN OF ELLICOTVILLE, NEW YORK,

Defendant.

1. On January 7, 2009, counsel for Plaintiff, James Patrick Evans, Esq., filed a Motion to Withdraw as Attorney. (Docket No. 23). On January 9, 2009, this Court issued an Order, scheduling a status conference for January 28, 2009 to discuss the motion to withdraw. (Docket No. 26). The Order stated that “counsel for the parties and a representative of the Plaintiff corporation “MUST appear.” Id.

2. At the status conference, counsel for Plaintiff and counsel for Defendant appeared, however, a representative from the Plaintiff corporation failed to appear as instructed. Counsel for Plaintiff informed the Court that his client had still not met its financial obligations to counsel’s law firm and that he continued to seek withdrawal. Counsel for Defendant stated that he did not oppose the motion.

3. At the status conference, this Court granted the motion to withdraw, finding there is no real or unfair prejudice to Defendant. Additionally, this Court stated that Plaintiff, Laidlaw Energy and Environmental, Inc., has 30 days, or until February 27, 2009, to retain new counsel or this Court will dismiss the action for failure to prosecute.

IT IS HEREBY ORDERED, that Plaintiff Counsel's Motion to Withdraw as Attorney (Docket No. 23) is GRANTED.

FURTHER, that Plaintiff, Laidlaw Energy and Environmental, Inc., has until February 27, 2009 to retain new counsel or this Court will dismiss the action for failure to prosecute.

FURTHER, that the Clerk of the Court is directed to serve a copy of this Order upon Plaintiff at the following address:

Michael B. Bartoszek
President & CEO, Laidlaw, Inc.
90 John St, 4th Floor
New York, New York 10038

SO ORDERED.

Dated: January 31, 2009
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge